

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – Irrigation & CAD Department – Allegation of turning hostile in the trap case of Sri P.Srirama Krishna Rao, formerly Endowments Inspector, Office of the Asst. Commissioner, Endowments Department, Vijayawada, Krishna District (Accused Officer No.1) and Sri K.Harinarayana, formerly Asst. Commissioner, Endowments Department, Vijayawada (Accused Officer No.2) (since died) – Accused Officer No.1 Sri P.Srirama Krishna Rao acquitted – Disciplinary proceedings initiated against Mediators Sri J.Pola Rao, Asst. Executive Engineer, CERP Circle, Donakal Road, Vijayawada and Sri N.Venkateswara Rao, Sr. Assistant (Retd.), formerly worked in the Office of Chief Engineer, Krishna Delta System, Vijayawada – Inquiry ordered – Inquiry Report received - Show Cause notice issued - Imposition of punishment of cut in pension by 1% for one year against the charged officer Sri N.Venkateswara Rao, Sr. Assistant (Retd.) – Orders – Issued.

IRRIGATION & C.A.D. (IW:SERVICES-VI(2) DEPARTMENT

G.O.Ms.No. 56.

Dated 25-04-2012.

Read the following:-

1. From the Director General, Anti-Corruption Bureau, Hyderabad, Letter C.No.3/RCT-VKI/1995-S9, dated 06-03-2006.
2. Govt. Memo.No.8069/Ser.VI(2)/2006-5, dated 10-07-2007 of Irrigation & CAD (Ser.VI(2) Department.
3. From the Superintending Engineer, Irrigation Circle, Vijayawada, confidential proceedings No.CB/S2/EC.2/ 36C, dated 24-04-2007.
4. Written Statement of Self Defence submitted by Sri N.Venkateswara Rao, Sr. Assistant dated 25-05-2007.
5. Proceedings No.CB/Supdt/EC.2/1072M, dated 15-10-2007 of Superintending Engineer, Irrigation Circle, Vijayawada.
6. Govt. Memo.No.8069/Ser.VI(2)/2006-8, dated 16-07-2008 of Irrigation & CAD (Ser.VI(2) Department.
7. Proceedings No.CB/NTPA/EC2/352M, dated 28-03-2009 of Superintending Engineer, Irrigation Circle, Vijayawada.
8. From the Dy.Executive Engineer & Enquiry Officer, Irrigation Sub-Division, Vijayawada, Letter No.DEE/enquiry report/2, dated 01-09-2009.
9. Govt. Memo.No.8069/Ser.VI(2)/2006-15, dated 27-05-2010 of Irrigation & CAD (Ser.VI(2) Department.
10. From Sri N.Venkateswara Rao, Sr. Assistant, Office of the Executive Engineer, T.R.L.I.S.Division, Vijayawada, representation dated 09-05-2011.
11. Govt. Memo.No.8069/Ser.VI(2)/2006-21, dated 07-01-2012 of Irrigation & CAD (Ser.VI(2) Department.
12. From Sri N.Venkateswara Rao, Sr. Assistant (Retd.), representation dated 14-02-2012.
13. Govt. Letter No.8069/Ser.VI(2)/2006-22, dated 23-02-2012 of Irrigation & CAD (Ser.VI(2) Department.
14. From the Secretary, A.P.Public Service Commission, Hyderabad, Letter No.1855/RT/I2011, dated 12-04-2012.

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O R D E R:

In the reference 1st read above, the Director General, Anti-Corruption Bureau, Hyderabad has informed that Sri J.Pola Rao, Assistant Executive Engineer, CERP Circle, Donakal Road, Vijayawada (P.W.-3) and Sri N.Venkateswara Rao, Junior Assistant of the same Office (P.W.-4) acted as Mediators in the Trap case against the accused officers Sri P.Srirama Krishna Rao, formerly Endowments Inspector, Office of the (P.T.O.)

Assistant Commissioner, Endowments Department, Vijayawada, Krishna District (Accused Officer No.1) and Sri K.Harinarayana, formerly Assistant Commissioner, Endowments Department, Vijayawada (Accused Officer No.2) (since died). Sri N.Venkateswara Rao was present throughout the pre-and post-trap proceedings of the case. During his evidence, Sri N.Venkateswara Rao stated that at the time of pre-trap proceedings, either he or the other official witness did not ask the complainant about the genuineness of the contents of the complaint. But, according to the proceedings drafts, he along with P.W.-3 Sri J.Pola Rao initialed on the copy of the F.I.R., as a token of going through the F.I.R. and also ascertained the genuineness of the complaint after ascertaining the details from the complainant. At the same time, he stated that he was not aware as to who gave the bribe amount and also mentioned that the staff of the Deputy Superintendent of Police had noted their numbers and thus deviated from the facts mentioned in pre-trap proceedings. Further P.W.4 Sri N.Venkateswara Rao in his deposition mentioned that the accused officer-1 Sri P.Srirama Krishna Rao himself took out the tainted bribe amount from his pocket and kept it on the table and when the Deputy Superintendent of Police questioned him as to how he got that amount. P.W.-4 Sri N.Venkateswara Rao stated that the accused officer-1 replied that the complainant came hurriedly to him and thrust the amount into his pocket and went away immediately. This statement was quite contrary to the facts drafted in the post-trap proceedings. P.W.-4 Sri N.Venkateswara Rao deliberately mentioned with a view to helping the accused. Sri J.Pola Rao and Sri N.Venkateswara Rao, being the public servants, deposed in a way to help the accused. The Hon'ble Special Judge also made a mention in the Judgement that P.W.-3 as well as P.W.-4 (both Mediators) did not support the case of prosecution. The Director General, Anti-Corruption Bureau, Hyderabad has requested to initiate disciplinary action against Sri J.Pola Rao and Sri N.Venkateswara Rao.

2. In the reference 2nd read above, the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad was directed to initiate disciplinary action against Sri J.Pola Rao, Assistant Executive Engineer and Sri N.Venkateswara Rao, Junior Assistant and intimate the outcome of disciplinary action to Government from time to time.

3. In the reference 3rd read above, the Superintending Engineer, Irrigation Circle, Vijayawada has initiated departmental action against Sri N.Venkateswara Rao, Junior Assistant by issuing of articles of charges against him.

4. In the reference 4th read above, the accused officer Sri N.Venkateswara Rao, Sr. Assistant in his written statement of self defence has stated among other things and requested to drop all the charges, as the same are without basis.

5. In the reference 5th read above, the Superintending Engineer, Irrigation Circle, Vijayawada has issued orders, imposing the punishment of stoppage of one Annual increment without cumulative effect against Sri N.Venkateswara Rao, formerly Junior Assistant, since his statement was quite contrary to the facts drafted in the post-trap proceedings and he deliberately mentioned with a view to helping the accused.

6. After careful examination of the matter, Government have observed that there were two scribes to the trap proceedings who turned hostile against whom departmental action was directed to be initiated by the Government:-

- (1) Sri J.Pola Rao, Asst. Executive Engineer (Retd.)
- (2) Sri N.Venkateswara Rao, Sr. Assistant.

Contnd...3.

In case of retired employee Sri J.Pola Rao, Asst. Executive Engineer, the Engineer-in-Chief (AW), Irrigation & CAD Dept., Hyderabad recommended for 5% cut in pension permanently. After following due procedure, issued orders imposing the punishment of withholding 5% of pension for five years against Sri J.Pola Rao, Asst. Executive Engineer under Rule 9 of A.P.Revised Pension Rules, 1980 read with A.P.Civil Services (CC&A) Rules, 1991 vide G.O.Ms.No.81, Irrigation & CAD (Ser.VI(2) Dept., dated 27-05-2009. In case of serving employee Sri N.Venkateswara Rao, Sr. Assistant, a minor penalty of cut in one increment without cumulative effect was imposed, and since the details of the enquiry conducted thereof were not available. Government have also observed that no major penalty can be imposed under the C.C.A. Rules without a regular enquiry, and without the concurrence of the A.P.Public Service Commission. In case of Sri N.Venkateswara Rao, Sr. Assistant, such regular enquiry has not taken place. Accordingly in the reference 6th read above, the Engineer-in-Chief (AW), Irrigation & CAD Department, Hyderabad was requested to cancel the minor penalty which were earlier imposed on Sri N.Venkateswara Rao, formerly Junior Assistant and institute a regular enquiry in accordance with the C.C.A.Rules on the charges framed against him and submit the Inquiry Report thereof to Government, within two months for taking further action.

7. In the reference 7th read above, the Superintending Engineer, Irrigation Circle, Vijayawada has issued orders, cancelling the minor punishment imposed against Sri N.Venkateswara Rao, Sr. Assistant and instituted a regular enquiry in accordance with C.C.A. Rules duly appointing Sri S.Tirumala Rao, Dy.Executive Engineer as Enquiry Officer.

8. In the reference 8th read above, the Dy.Executive Engineer & Enquiry Officer, Irrigation Sub-Division, Vijayawada in his Enquiry Report dated 01-09-2009 has concluded that Sri N.Venkateswara Rao, in order to defend himself, has criticized the action of the A.C.B. authorities which is a part and parcel of the Statement Government and thereby he violated the Rule 3 of the A.P.Civil Services (CC&A) Rules, 1991.

9. While enclosing a copy of the Enquiry Report in terms of Rule 21(2) of A.P.Civil Services (CC&A) Rules, 1991, the charged officer Sri N.Venkateswara Rao, Sr. Assistant was directed to submit his explanation within 15 days from the date of receipt of Govt. Memo., vide reference 9th read above.

10. In the reference 10th read above, the charged officer Sri N.Venkateswara Rao, Sr. Assistant in his representation has stated among other things and requested to drop further enquiry and punishment.

11. After examining the representation of the charged officer Sri N.Venkateswara Rao, Sr. Assistant, Government have observed that no new grounds putforth by the charged officer in his representation. Therefore, Government have taken a provisional decision i.e., to impose a penalty of cut in Pension by 1% for one year against the charged officer Sri N.Venkateswara Rao, Sr. Assistant (Retd.) and in the reference 11th read above, while indicating the above said punishment, the charged officer Sri N.Venkateswara Rao, Sr. Assistant (Retd.) was directed to submit his representation if any, on the proposed punishment within a period of 15 days for taking necessary action.

12. In the reference 12th read above, the charged officer Sri N.Venkateswara Rao, Sr. Assistant (Retd.) in his representation dated 14-02-2012 has stated among other things and requested to drop further

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action against him, as he is not well settled (financially) in life and his wife and children are depending upon him and he has no bearing capacity mentally, physically and financially in his old age for the proposed punishment.

13. As no new grounds put-forth by the charged officer in his representation, the Secretary, A.P. Public Service Commission, Hyderabad was requested to obtain the concurrence of the Commission on the proposed penalty of cut in pension by 1% for one year against the charged officer Sri N. Venkateswara Rao, Sr. Assistant (Retd.), formerly worked in the Office of Chief Engineer, Krishna Delta System, Vijayawada vide reference 13th read above.

14. In the reference 14th read above, the Secretary, A.P. Public Service Commission, Hyderabad has informed that the Commission agreed with the modified proposal of the Government i.e., to impose a punishment of cut in pension by 1% for one year against the charged officer Sri N. Venkateswara Rao, Sr. Assistant (Retd.), formerly worked in the Office of Chief Engineer, Krishna Delta System, Vijayawada.

15. Government have examined the entire matter carefully and decided to impose a punishment of cut in pension by 1% for one year against the charged officer Sri N. Venkateswara Rao, Sr. Assistant (Retd.), formerly worked in the Office of Chief Engineer, Krishna Delta System, Vijayawada. Accordingly, it is hereby order to impose a punishment of cut in pension by 1% for one year against the charged officer Sri N. Venkateswara Rao, Sr. Assistant (Retd.), formerly worked in the Office of Chief Engineer, Krishna Delta System, Vijayawada.

16. A copy of the reference 14th read above is enclosed.

17. The receipt of the G.O., may please be acknowledged.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**SHAILENDRA KUMAR JOSHI
PRINCIPAL SECRETARY TO GOVERNMENT**

To

Sri N. Venkateswara Rao, Senior Assistant (Retd.), formerly worked in the Office of Chief Engineer, Krishna Delta System, Vijayawada thro' the Engineer-in-Chief (AW), I & CAD Dept., Hyderabad. (w.e.)
The Engineer-in-Chief (AW), Irrigation & CAD Dept., Hyderabad.

Copy to:

The Accountant General (A&E), Andhra Pradesh, Hyderabad.

The Secretary, A.P. Public Service Commission, Hyderabad.

The Director General, Anti-Corruption Bureau, Hyderabad.

The Secretary to Vigilance Commission,

A.P. Vigilance Commission, Hyderabad.

SF/SCs.

//FORWARDED::BY ORDER//

SECTION OFFICER